

## REMARKS

Claims 1-23 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-19 of United States Patent No. 7,387,141 to Tanno et al. Claims 4 and 9 have been cancelled, without prejudice, thereby rendering this rejection moot with respect to these claims. However, with respect to Claims 1-3, 5-8 and 10-23, Applicant respectfully traverses this rejection.

Applicant respectfully submits that the claims of the Tanno et al. reference fail to define or suggest all of the claimed features of the present invention. More specifically, the claims of the Tanno et al. reference fail to define or suggest a low noise pneumatic tire that includes, *inter alia*, a belt-shaped sound absorbing member formed of a porous material having a width of 40% to 90% of the maximum width of the tire, a thickness of 5mm to 50mm and wherein “at least one of the radially inner and outer surfaces of the belt-shaped sound absorbing member has notches that extend widthwisely of the belt-shaped sound absorbing member and are disposed at prescribed intervals longitudinally of the belt-shaped sound absorbing member,” as recited in amended independent Claim 1. Similarly, with regard to amended independent Claim 7, the claims of the Tanno et al. reference fail to define or suggest a low noise pneumatic tire that includes, *inter alia*, a belt-shaped sound absorbing member formed of a porous material and wherein “at least one of the radially inner and outer surfaces of the belt-shaped sound absorbing member has notches that extend widthwisely of the belt-shaped sound absorbing member and are disposed at prescribed intervals longitudinally of the belt-shaped sound absorbing member.” Additionally, with regard to

independent Claim 12, the claims of the Tanno et al. reference fail to define or suggest a low noise pneumatic tire that includes, *inter alia*, a belt-shaped sound absorbing member formed of a porous material and with “at least one of the radially inner and outer surfaces of the belt-shaped sound absorbing member having notches that extend widthwisely of the belt-shaped sound absorbing member and are disposed at prescribed intervals longitudinally of the belt-shaped sound absorbing member.”

Instead of defining the features discussed in the previous paragraph, the independent claims of the Tanno et al. reference focus on the apparent density of the band-shaped sound absorbing member, in combination with other features. Further, the dependent claims of the Tanno et al. reference also fail to define or suggest the features discussed above, such as the claimed notches. As disclosed in paragraphs [0013] and [0033] of the present application, the inclusion of the notches facilitates mounting and retention of the belt-shaped sound absorbing member. More specifically, when the belt-shaped sound absorbing member of the present invention is mounted, it can easily follow the curved inner surface of the tread, whereby it can be mounted on the inner peripheral surface of the tread by fixing the elastic band, making use of the elastic force of the band, without incurring problems such as separation or damage. In contrast, such notches and their beneficial result are not defined or suggested in the claims of the Tanno et al. reference. Accordingly, for at least the reasons discussed above, Applicant respectfully requests the withdrawal of this non-statutory obviousness-type double patenting rejection of Claims 1-3, 5-8 and 10-23 based on the Tanno et al. reference.

Claims 1-23 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1, 2, 4-6 and 9-16 of United States Patent Application No. 10/564,098. As mentioned above, Claims 4 and 9 have been cancelled, without prejudice, thereby rendering this rejection moot with respect to these claims. However, with respect to Claims 1-3, 5-8 and 10-23, Applicant respectfully traverses this rejection.

In response to this rejection, enclosed herewith is a Terminal Disclaimer directed to the United States Patent Application No. 10/564,098. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-23 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-4 and 6-11 of United States Patent Application No. 10/563,303 (hereinafter the ‘303 Application). As mentioned above, Claims 4 and 9 have been cancelled, without prejudice, thereby rendering this rejection moot with respect to these claims. However, with respect to Claims 1-3, 5-8 and 10-23, Applicant respectfully traverses this rejection.

Applicant respectfully submits that the claims of the ‘303 Application fail to define or suggest all of the claimed features of the present invention. More specifically, the claims of the ‘303 Application fail to define or suggest a low noise pneumatic tire that includes, *inter alia*, a belt-shaped sound absorbing member formed of a porous material having a width of 40% to 90% of the maximum width of the tire, a thickness of 5mm to 50mm and wherein “at least one of the radially inner and outer surfaces of the belt-shaped

sound absorbing member has notches that extend widthwisely of the belt-shaped sound absorbing member and are disposed at prescribed intervals longitudinally of the belt-shaped sound absorbing member,” as recited in amended independent Claim 1. Similarly, with regard to amended independent Claim 7, the claims of the ‘303 Application fail to define or suggest a low noise pneumatic tire that includes, *inter alia*, a belt-shaped sound absorbing member formed of a porous material and wherein “at least one of the radially inner and outer surfaces of the belt-shaped sound absorbing member has notches that extend widthwisely of the belt-shaped sound absorbing member and are disposed at prescribed intervals longitudinally of the belt-shaped sound absorbing member.” Additionally, with regard to independent Claim 12, the claims of the ‘303 Application fail to define or suggest a low noise pneumatic tire that includes, *inter alia*, a belt-shaped sound absorbing member formed of a porous material and with “at least one of the radially inner and outer surfaces of the belt-shaped sound absorbing member having notches that extend widthwisely of the belt-shaped sound absorbing member and are disposed at prescribed intervals longitudinally of the belt-shaped sound absorbing member.”

Instead of defining the features discussed in the previous paragraph, such as the notches, the independent claim of the ‘303 Application focuses on a stretching mechanism that automatically adjusts the circumferential length of the fixing bands, in combination with other features. Further, the dependent claims of the ‘303 Application also focus on details of the stretching mechanism, and thus also fail to define or suggest the features discussed above, such as the claimed notches. In contrast, as with the Tanno reference, the claims of the ‘303

Application do not define or suggest the claimed notches and their beneficial result. Accordingly, for at least the reasons discussed above, Applicant respectfully requests the withdrawal of this non-statutory obviousness-type double patenting rejection of Claims 1-3, 5-8 and 10-23 based on the '303 Application.

For all of the above reasons, Applicant requests reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

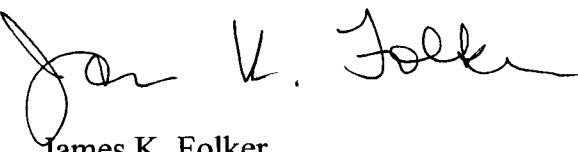
Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

November 26, 2008

Suite 2500  
300 South Wacker Drive  
Chicago, Illinois 60606  
(312) 360-0080

By



James K. Folker  
Registration No. 37,538

Customer No. 24978

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